

Georgia McMillan, Complainant (

vs.

(In the Circuit Court of Baldwin

H. E. Chambless and Bessie Chambless

(County, Alabama, -In Equity.

Defendants.

(

Demurrer;

Now comes the defendant, Bessie Chambless, and demurs to that part of the prayer for relief, which asks for the annulment of the certificate of adoption on the following grounds to-wit:-

First.

Because the annulment of the declaration of adoption can only be effected in the Probate Court, on petition of the child or the party adopting the child.

Second.

Because a court of equity has no jurisdiction to annul a certificate of adoption.

Third.

Because it is not shown that any proceedings have been held in the Probate Court to set aside and annul the declaration of adoption.

Fourth.

Because an annulment of the declaration of adoption is not a material issue in this cause.

Answer.

Not waiving the said demurrers but relying and insisting thereon, this defendant, Bessie Chambless for answer to the bill of complaint says:

1st.. That it is true that complainant is over the age of 21 years, and a resident of Baldwin County, Alabama, and that defendant is over the age of 21 years, but that she is not residing in Baldwin County. That defendant has been informed that complainant is the mother of Bessie May Chambless, and that the child was born on the 23rd day of January 1914.

2nd.-- Answering the second paragraph of the bill of complaint, this defendant says that it is not true that Sam Parker died soon after the birth of the child, but that soon after the birth of the child complainant secured a divorce from the said Sam Parker and married W. J. McMillan.

That Sam Parker afterwards went to the war and was wounded in France but is not dead unless he has died in the last few weeks.

Defendant denies that she persuaded complainant to leave the child with them for care and attention only so long as she was unable to care for said child. That on the other hand the proposal was made by complainant, and she was emphatically told that they would not take the child, unless complainant consented that they could adopt the child and keep it for their own. This complainant agreed to do, and came to Bay Minette before Probate Judge J. H. H. Smith, and on being questioned by Judge Smith agreed to the adoption, and the declaration of adoption was drawn up by him and executed by H. E. Chambless and Bessie Chambless, and there was nothing said about ~~any~~ temporary adoption, or that the child would be given back to its mother as soon as the mother was in position to properly care for it.

Third* Answering the third paragraph of the bill of complaint, defendant says, that it is true that she and her husband H. E. Chambless legally adopted the child, and that evidence of said adoption is recorded in the Minutes of the Probate Court in Book H on page 171, and that said adoption was in every respects legal and binding. Defendant avers and states that complainant did understand and agree that this should be a permanent adoption, and there was no persuasion used on the part of defendant, but was entirely voluntary on the part of complainant, and no representation was made by defendant that defendants would take charge of the child until complainant was able to care for the child, as defendants emphasized the fact that unless complainant was willing for them to adopt the child as their own, they would have nothing to do with the matter.

4th.--To the fourth paragraph of the bill of complaint defendant says, that it is true that complainant has since said adoption married one W. J. McMillan, but she denies that complainant is able or fitted in any way to maintain, educate and support said child. That complainant and her husband are living with David Chambless, who is the father of complainant, and that her said husband is trifling and worthless, works very little and David Chambless has to support him and his family. That both complainant and W. J. McMillan are very immoral, and teach the oldest child of complainant immoral practices, and in the habeas corpus proceedings before Probate Judge J. M. Voltz, it was shown that complainant and her husband were unfit morally to raise the child.

Defendant states that on account of the character of complainant ~~and~~ and her husband, it would be very detrimental and not to the best interests of the child, to turn said child over to her mother. That defendant is well able to care for said child, financially and otherwise, that she has always brought up and raised the child as her own; that the child is well, strong and robust, well cared for, and contented. That it is untrue that she has ever abused the child or mistreated her in any way, and that she is raising up the child in a proper manner, with good moral influences and surroundings, and that it would be ruinous to the proper development of the character of this child for it to be taken away and turned over to its mother and under the influences of its mother, W. J. McMillan and David Chambless. That in the habeas-corpus proceedings above referred to, it was attempted to be shown that Bessie Chambless was not financially able to take care of the child, but the child being present in court was observed to to be well and strong and it could not be shown that it was not to the best interests of the child that it remain with defendant, and the Probate Judge awarded the child to defendant's adopted parents.

Defendant states that the present suit was filed about six weeks after the decision in the probate court awarding the child to defendant, and that the status of the parties has not changed, and that the facts in both cases are the same, and the parties are the same and no appeal was taken, neither have the costs in the original suit been paid.

Now, defendant, Bessie Chambless, having fully answered prays that she be allowed to retain the custody of her adopted child, Bessie May Chambless, and that she be dismissed with her reasonable costs.

W. H. Wainwright

Solicitor for Defendant, Bessie Chambless.

George W. Miller

To

Ho & Beavin Bankers

Denver & answer

of defendant

Beavin Bankers

In Circuit Court

Baldwin County

Dated this 8th

day of November 1919

Register

Filed Nov 8th 1919,
W. W. McCreary
Register

List of names
Solicitor for
Beavin Bankers

Faint, mirrored text from the reverse side of the page, appearing as bleed-through. The text is largely illegible due to its orientation and fading.

1 Auburn Ala
Oct the 7 1919

Dear Mr Stone your
letter reached me this
morning was glad to
hear from you well
I will rite you to
let you now that
Bessie Chambers and
Bessie May my Baby
is here now to spend
a few days with her
mother now they are
Back in Alabama
now I dont think
they are gain to stay
But a few days ~~and~~
and if you want to
get them in Alabama

now is the time to
get them before
tha go back to
Brutton Mr he
Chambliss is now
here But we dont care
for that you can
get the baby just
the same for she
is here now But wont
be but a few days
I dont think I want
you to do your best
to get her for me
and I will never for-
get you for it
they are at my dauidy
Chambliss

3

now he is the father
of my self andr Bessie
Chambliss to Brent he
is on my side he wants
me to haul my Baby
and my mother wants
me to haul her to so
every day now you
wants us to go down
there we can go so
I will ~~be~~ ~~be~~ ~~be~~
for this time
hopin to hear from
you a gain soon
from Mrs Georgia
Bessie Lewis at
Brentton Ala MC Mellon

Georgia Mc Millan, Complainant.)	
)	
vs)	In the Circuit Court—Equity
H.E. Chambless, and Bessie Chambless,)	
)	Side.
Defendant.)	
-----)	State of Alabama, Baldwin County.

To the Honorable, the Circuit Court of Baldwin County, State of Alabama, and the Hon. A.E. Gamble, Judge thereof, In Equity Sitting:

Comes Georgia Mc Millan and respectfully presents this, her Bill of Complaint against H.E. Chambless and Bessie Chambless and represents and shows unto Your Honor:-

FIRST.

That your Oratrix is a resident of Baldwin County, State of Alabama, and is over the age of twenty-one years. That the defendants, H.E. Chambless and Bessie Chambless, are also residents of Baldwin County, State of Alabama, are over the age of twenty-one years and reside at, Perdido, Baldwin County, Alabama. That your Oratrix is the mother of Bessie May Parker, a female child, who was born on the 23rd, day of January, 1914, being the issue of a former marriage of your Oratrix to Sam Parker.

SECOND.

Your Oratrix's first husband, Sam Parker, died soon after the birth of said child and that during the widowhood of your Oratrix she was indigent and without means of support and was unable to properly care for herself and the said child and that on woe-wit, the 2nd day of October, 1915, she was persuaded by her sister, Bessie Chambless, one of the Defendants in this cause, and by H.E. Chambless, the husband of Bessie Chambless, and the other defendant in this cause, to leave the child with them for care and attention only so long as she was unable to care for said child and that in pursuance of and by reason of said persuasion and said understanding she permitted the said defendants to take care of the said child and went with them to the Office of the Judge of Probate of Baldwin County, Alabama, and consented that they could care for the said child until she could be in a position to properly care for it herself.

THIRD.

That the said Defendants now claim that they have legally adopted and that evidence of said adoption is recorded in the Minutes of the Probate Court Book "H" on page 171, a copy of which is hereto attached annexed, marked "Exhibit "A" . and made a part of this bill. Your Oratrix alleges that she never did, at any time understand, nor did she consent, that said adoption should be permanent. Your Oratrix is illiterate and was persuaded to agree to the arrangement by which the said defendants took charge of said child upon the representation by them that it would only be until Oratrix could herself be able to care for the said child.

FOURTH.

Your Oratrix alleges that she has since re-married to W.J. Mc Millan, and that she is now able, financially and otherwise, to maintain, educate and support the said child but the defendants, H.E. Chambless and Bessie Chambless are not financially able, nor are they the proper persons to have the custody and control of the said child; that while the said child was in their custody that they misused, abused and severely whipped her; that they are not proper and fit persons to have the care and custody of the said child and that it would be for the best interests of said child that the custody of said child be taken away from the said Defendants, H.E. Chambless and Bessie Chambless.

PRAYER FOR PROCESS.

Your Oratrix prays that the said Defendants, H.E. Chambless, and Bessie Chambless, be made parties respondents to this Bill of Complaint by the usual processes of this Honorable Court, requiring them to plead, answer or demur to this Bill of Complaint within the time required by law in such cases.

PRAYER FOR RELIEF.

Your Oratrix prays that upon a final hearing of this cause that

Your Honor may be pleased to annul the said Certificate of Adoption and declare it of no effect and that the custody and care of said child be taken from the said H.E.Chambless and Bessie Chambless and Your Honor will grant the care, custody and control of the said child to Your Oratrix its mother. That Your Honor may grant and decree such other or further or different relief as she may, in equity and good conscience, be entitled to. As in duty bound, she will ever pray, etc., etc.;

Page and Moorer,
Stone and Stone.

Solicitors for Complainant.

FOOT NOTE: The Defendants, H.E.Chambless and Bessie Chambless, are required to answer each and every paragraph of the foregoing bill of complaint, from "FIRST" to "FOURTH", both inclusive, but not under oath, answer under oath being hereby expressly waived.

page and Moorer,
Stone and Stone.
Solicitors for Complainant.

EXHIBIT "A".

Bessie Parker, a Minor,)
As to her adoption.) Probate Court, Baldwin, County, Alabama,
October 2nd, 1915.

Come Hardin E Chambless and Bessie Chambless and filed in court on this day, an instrument in writing, acknowledged according to law, which said instrument, being in words and figures as follows:

State of Alabama,

County of Baldwin. Know all men by these presents; That we, Hardin E Chambless and Bessie Chambless, his wife, of said County and State do hereby declare, in the presence of Thomas W Richerson and C.L.Morton, that we desire to adopt, and that we hereby do adopt, Bessie May Parker, a female child of Sam Parker and Georgia Parker, of the age of one year and eight months, so as to make her, the said minor, capable of inheriting our, and each of our estates, real, personal and mixed.

We do further declare that it is our desire that the name of the said child shall be changed from Bessie May Parker, its present name to Bessie May Chambless, by which it shall be known in the future.

H.E.Chambless.
Bessie Chambless.

Attest.
T.W.Richerson.
C.L.Morton.

State of Alabama)
Baldwin County.) Before me, J.H.H.Smith, Judge of Probate in and
for said County in said State. personally appeared
Hardin E Chambless and Bessie Chambless, who are known to me, and who are known to be the declarants in the above declaration, being informed of the contents of the said declaration, acknowledged before me on this day, that they executed the same voluntarily on the day the same bears date .

Given under my hand this 2nd, day of October, 1915.

J.H.H.Smith,
Judge of Probate."

It is therefore ordered by the Court that the said declaration and consent be filed and recorded in the Minutes of this Court.

J.H.H.Smith,
Judge of Probate.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon H. E. Chambless and Bessie Chambless,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Georgia Mc Millan,

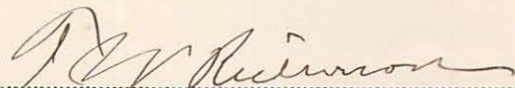
against said

H. E. Chambless and Bessie Chambless,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 8th day of Oct

1919.



Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

1st Original
Alias.

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. 88.

SUMMONS.

Georgia Mc Millan,

vs.

H.E. and Bessie Chambless.

Solicitor for Complainant.

Recorded in Vol.....Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 8th

day of Oct, 1919

W.R. Smart

Sheriff.

Executed this 8th day of

Oct 1919

by leaving a copy of the within Summons with

Bessie Chambers

H.E. Chambers not found

Defendant

W.R. Smart

Sheriff

By

B.O. Wiggins

Deputy Sheriff.

G. W. L. Smith
Lawyer
Brewton, Alabama

Brewton, Ala., Oct. 16, 1919.

Hon. Register in Chancery,
Bay Minette, Ala.
Dear Sir:-

Please send me a copy of the bill and charge it up to costs in the case in the cause wherein Georgia McMillan is complainant and H. E. Chambless and Bessie Chambless, defendants.

I represent the defendants.

Thanking you in advance, I am,

Very truly yours,

G. W. L. SMITH, ATTORNEY.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon H. B. Chambliss and Bessie Chambliss,

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by.....

Georgia Mc Millan,

against said H. B. Chambliss and Bessie Chambliss,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 8th day of Oct

1919.

T. W. Richerson
Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Alias. *Copy*

Serve on.....

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. *00.*

SUMMONS.

Georgia Mc Millan,

vs.

H.K. and Bessie Chamberlee.

Solicitor for Complainant.

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this.....

day of *Oct.*..... 191*9*

Sheriff.

Executed this..... day of

191.....

by leaving a copy of the within Summons with

Defendant

Sheriff

By

Deputy Sheriff.

-----x
GEORGIA MCMILLAN,
Complainant. }

-vs- }

H. E. CHAMBLESS and
BESSIE CHAMBLESS.
Defendants. }

IN THE CIRCUIT COURT-EQUITY SIDE.

STATE OF ALABAMA.
BALDWIN COUNTY

-----x
To the Honorable, the Circuit Court of Baldwin County, State of Alabama, and the Hon. A. E. Gamble, Judge thereof, In Equity Sitting;

Comes Georgia McMillan and respectfully presents this, her Bill of Complaint against H. E. Chambless and Bessie Chambless and represents and shows unto Your Honor:-

FIRST.

That Your Oratrix is a resident of Baldwin County, State of Alabama, and is over the age of twenty-one years. That the Defendants, H. E. Chambless and Bessie Chambless, are also residents of Baldwin County, State of Alabama, are over the age of twenty-one years and reside at, Perdido, Baldwin County, Alabama. That Your Oratrix is the mother of Bessie May Parker, a female child, who was born on the 23rd day of January, 1914, being the issue of a former marriage of your Oratrix to Sam Parker.

SECOND.

Your Oratrix's first husband, Sam Parker, died soon after the birth of said child and that during the widowhood of your Oratrix she was indigent and without means of support and was unable to properly care for herself and the said child and that on, to-wit, the second day of October, 1915, she was persuaded by her sister, Bessie Chambless, one the Defendants in this cause, and by H. E. Chambless, the husband of Bessie Chambless, and the other defendant in this cause, to leave the child with them for care and attention only so long as she was unable to care for said child and that in pursuance of and by reason of said persuasions and said understanding she permitted the said defendants to take care of said child and went with them to the Office of the Judge of Probate of Baldwin County, Alabama and consented that they

could care for the said child until she could be in a position to properly care for it herself.

THIRD.

That the said Defendants now claim that they have legally adopted and that evidence of said adoption is recorded in the Minutes of the Probate Court Book "H" on page 171, a copy of which is hereto annexed, marked "Exhibit "A". and made a part of this bill. Your Oratrix alleges that she never did, at any time understand, nor did she consent, that said adoption should be permanent. Your Oratrix is illiterate and was persuaded to agree to the arrangement by which the said defendants took charge of said child upon the representation by them that it would only be until Oratrix could herself be able to care for the said child.

FOURTH.

Your Oratrix alleges that she has since remarried to W. J. McMillan and that she is now well able, financially and otherwise, to maintain, educate and support the said child but the defendants, H. E. Chambless and Bessie Chambless are not financially able, nor are they the proper persons to have the custody and control of the said child; that while the said child was in their custody that they misused, abused and severely whipped her; that they are not proper and fit persons to have the care and custody of the said child and that it would be for the best interests of said child that the custody of said child be taken away from the said Defendants, H. E. Chambless and Bessie Chambless.

PRA YER FOR PROCESS.

Your Oratrix prays that the said Defendants, H. E. Chambless and Bessie Chambless, be made parties respondents to this Bill of Complaint by the usual processes of this Honorable Court, requiring them to plead, answer or demur to this Bill of Complaint within the time required by law in such cases.

PRA YER FOR RELIEF.

Your Oratrix prays that upon a final hearing of this cause that Your Honor may be pleased to annul the said Certificate of Adoption and declare it of no effect and that the custody and care of said child be taken from the said H. E. Chambless and Bessie Chambless and Your Honor

will grant the care, custody and control of the said child to Your Oratrix its mother. That Your Honor may grant and decree such other or further or different relief as she may, in equity and good conscience, be entitled to. As in duty bound, she will ever pray, etc., etc.,

PAGE & MOORER
STONE & STONE
Solicitors for Complainant.

FOOT NOTE: The Defendants, H. E. Chambless and Bessie Ehambless, are required to answer each and every paragraph of the foregoing Bill of Complaint, from "FIRST" to "FOURTH", both inclusive, but not under oath, answer under oath being hereby expressly waived.

PAGE & MOORER,
STONE & STONE,
Solicitors for Complainant.

"Exhibit 'A'"

Bessie May Parker, a Minor,)
As to her adoption.) Probate Court, Baldwin County, Alabama.
October 2d, 1915.

Comes Hardin E. Chambless and Bessie Chambless and filed in Court on this day, an instrument in writing, acknowledged according to law, which said instrument, being in words and figures as follows;

"State of Alabama.
County of Baldwin.

Know all men by these presents; That We, Hardin E. Chambless and Bessie Chambless, his wife, of said County and State, do hereby declare, in the presence of Thomas W. Richerson and C. L. Morton, that we desire to adopt, and that we do hereby adopt, Bessie May Parker, a female child of Sam Parker and Georgia Parker, of the age of one year and eight months, so as to make her, the said minor, capable of inheriting our, and each of our estates, real, personal and mixed.

We do further declare that it is our desire that the name of the said child shall be changed from Bessie May Parker, its present name, to Bessie May Chambless, by which it shall be known in the future.

ATTEST

T. W. Richerson.
C. L. Morton.

H. E. Chambless.
Bessie Chambless.

State of Alabama.
Baldwin County.

Before me, J. H. H. Smith, Judge of Probate in and for said County in said State, personally appeared Hardin E. Chambless and Bessie Chambless, who are known to me, and who are known to be the declarants in the above declaration, being informed of the contents of the said declaration, acknowledged before me on this day, that they executed the same voluntarily on the day the same bears date.

Given under my hand this 2d day of October, A. D, 1915.
J. H. H. Smith,
Judge of Probate."

It is therefore ordered by the Court that the said declaration and consent be filed and recorded in the Minutes of this Court.

J. H. H. Smith,
Judge of Probate.

To the Honorable A. E. Gamble, Judge of the
Circuit Court of Baldwin County, Alabama, sitting in Equity:

Comes Paul F. Smith, and files this his bill
of complaint, showing unto your Honor as follows:

FIRST: That he is a non-resident of the
State of Alabama, ^{and over the age of 21 yrs} but is the owner of, and in the peaceable
possession of the following described real property, situate
in Baldwin County, State of Alabama, viz: The Northeast Quarter
of the Southwest Quarter of the Northeast Quarter of Section 29,
Township 3 South, Range 2 East.

SECOND: That the following named persons are
reputed to claim some right, title or interest in or incumbrance
upon the said lands: The heirs, next of kin, devisees, executors
or administrators or assignees of William Fisher, Sr., Marcette
Krebs, Josephine Grelot, Hypolite Fisher, Jr., Joshua Kennedy
and John Bartlett, Jr., deceased, all of whom are over the age
of 21 years and whose residences are unknown and whose post
office addresses are unknown, though diligent inquiry has been
made to ascertain same, but complainant believes their residence
not to be in this State.

THIRD: Complainant further shows unto your
Honor that no suit is pending to enforce or test the validity of
any of the said claims, either on the part of the claimant or the
defendants and each of them, separately and severally, are hereby
called upon to set forth his, her or their alleged right, title,
claim, interest or incumbrance therein or thereupon and how and
by what instrument the same is derived or created.

PRAYER FOR PROCESS AND RELIEF.

The premises considered, your complainant
prays that your Honor will take jurisdiction of this bill of
complaint and that the heirs, next of kin, devisees, executors
or administrators or assignees of William Fisher, Sr., Marcette
Krebs, Josephine Grelot, Hypolite Fisher, Jr., Joshua Kennedy
and John Bartlett, Jr., deceased, may be made parties defendant

to this bill of complaint and be brought into this Court by subpoena or publication as provided by law and that they may be required to plead, answer or demur to this bill within the time required by law.

And complainant further prays that it may please your Honors upon the hearing of this cause to order and decree that the said defendants have no right, title or interest in or to any part of or incumbrance upon the said lands hereinabove described, but that the whole title to the said lands is vested in this complainant, and that your Honor will further grant unto complainant all such further and additional relief as he may be entitled to in the premises or as may seem just and meet.

And in duty bound he will ever pray, etc.

Gordon Bevington
SOLICITORS FOR COMPLAINANT.

FOOT NOTE: The defendants are required to answer each paragraph in the foregoing bill, but answer thereto under oath is expressly waived.

Gordon Bevington
SOLICITORS FOR COMPLAINANT.

STATE OF ALABAMA,

MOBILE COUNTY.

Before me, Edward Kramer, a Notary Public in and for said State and County, personally appeared D. H. Edington, who being by me first duly sworn says that he is the agent of the complainant in the above entitled cause and that each and every allegation of the foregoing bill of complaint, including the allegations of non-residence and age of defendants, and that he has made diligent inquiry to ascertain same, and that said defendants are non-residents and over the age of 21 years, are true. That such allegations as are based on information and inquiry he states are true to the best of his knowledge, information and belief. That the post office addresses of said non-resident defendants are unknown, not ascertainable after diligent search and inquiry.

Edward Kramer

Subscribed and sworn to before me this the 30th day of April, 1918.

Edward Kramer
NOTARY PUBLIC, MOBILE COUNTY, ALA.

THE UNIVERSITY OF CHICAGO

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S. R.

Friend 1/24/18
Dr. H. H. ...
Chicago